THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION No.4616 OF 2007

DATED: 09-04-2007

BETWEEN

Mohammed Ghouse Khan,
S/o. Mohammed Sardar Khan,
Occ: Business, R/o. H.No.18-7-206/22/A,
Moghalpura, Hyderabad.

...PETITIONER

AND

Station House Officer,
Falaknama Police Station,
Falaknama, Hyderabad.

...RESPONDENT

ORDER:

Petitioner seeks a Writ of Mandamus to declare the action of the respondent in interfering with his house property in respect of H.Nos.19-4-16/16/1 to 19-4-16/16/3 of Farooq Nagar, Falaknama, Hyderabad and with his civil disputes as illegal and arbitrary.

2. Learned counsel for the petitioner submits that the petitioner purchased the aforesaid property under an agreement of sale-cum-GPA vide registered document dated 07.02.2007 but the respondent is illegally interfering with the civil disputes of the said house at the instance of unsocial elements.

3. Counter has been filed stating that one Mr. Mohd. Abbas,
S/o. Md. Shadullah, R/o. 19-4-16/16, Farooq Nagar, Falaknama, Hyderabad

lodged a complaint on 10.02.2007 with the respondent stating that some people around 70 in number came to his residence and threatened and beat his family members and children and threw all their home appliances and created nuisance in the name of petitioner and the same was witnessed by the neighbours. On the said complaint a case in Cr.No.25 of 2007 under Sections 147, 148, 323, 380, 427, 506 read with 149 of the Indian Penal Code, 180 was registered on 10.02.2006 and investigation has been taken up.

It is stated that so far 10 witnesses have been examined and the evidence gathered so far goes to show that the petitioner and others are involved in the said offence. In fact, the petitioner was arrested on 10.02.2007 and remanded to judicial custody and later enlarged on bail.

4. In view of the registration of the aforesaid crime, it cannot be said that the respondent is illegally interfering with the life and liberty of the petitioner.

The writ petition is accordingly dismissed. There shall be no order as to costs.

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V. ESWARAIAH, J

April 9, 2007
DSK